

ABSTRACT

This thesis deals with paternity as one of the types of parenthood, specifically with the determination and denial of paternity. Main topics are analytically examined and described from the historical and comparative perspective. It systematically discusses the legal sources, the development of the concept, the general arrangements for parenthood, the determination of maternity, the determination of paternity and its three legal assumptions, the denial of paternity. In its final chapter, the thesis provides a comparative study on law in selected European countries and on the case-law of the European Court of Human Rights related to this issue. The thesis structure reflects that of the Family Act as amended, i. e. the chapter that deals with the determination of motherhood is followed by the chapter on the determination and denial of paternity. The chapters that deal with the determination and denial of paternity respect the legal division of the issue regulated by the system of legal assumptions related to the determination of paternity.

Given the extent of the concept of the determination and denial of paternity, the thesis deals with procedural issues, in particular with different types of evidence and the evolution of their use as a result of scientific developments in the field of biology, genetics and medicine.

Furthermore, the thesis focuses on new legislation implemented by Act No. 84/2012 Coll. amending Act No. 94/1963 Coll., the Family Act, as amended, which came into effect on 20 March 2012. However, this Act was not adopted within a short time of period but rather was a result of long-term decision-making practice of the courts, which culminated on 8 July 2011 when the Constitutional Court annulled the provisions of section 57 paragraph 1 of the Family Act by its plenary finding no. Pl. US 15/09. The above mentioned section laid down the denial of the first legal assumption of paternity, i. e. the mother's husband's right to deny his paternity and its deadline. Since the deadline for the denial of paternity laid down in Czech law was one of the shortest ones in comparison with other European countries, it is necessary to consider this issue from a comparative perspective.

Other significant changes related to the determination and denial of paternity came with the new Civil Code, which was adopted by the Parliament, published in the Collection of Laws under no. 89/2012 Coll. The new Civil Code which will come into effect on 1 January 2014 and will replace the Family Act. The issue of the determination and denial of paternity is

included in the new Civil Code in Chapter II. Consanguinity and affinity, Section 2 Relations between parents and child, Sub-section 1 Determination of parenthood. Therefore, this thesis also deals with the comparison of the Family Act and the new Civil Code and analytically examines their differences.